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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/534,493	06/06/2005	Angelo Bettinzoli	3687-114	4704
23117	7590	05/08/2009	EXAMINER	
NIXON & VANDERHYE, PC 901 NORTH GLEBE ROAD, 11TH FLOOR ARLINGTON, VA 22203				PEREIRO, JORGE ANDRES
ART UNIT		PAPER NUMBER		
3743				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/534,493	BETTINZOLI, ANGELO	
	Examiner	Art Unit	
	JORGE PEREIRO	3743	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 March 2009.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-16 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-16 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on 10 May 2005 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____. | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

4. Claims 1-6 and 8-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2001/0010897 to Dane (hereinafter “Dane”) in view of WIPO Application Publication WO 99/08046 to Paesani (hereinafter “Paesani”).

5. In re Claims 1-6 and 8-16, Dane discloses a gas burner for cookers, of the type fitted to a cooking hob, comprising a central body (1), having a first flame distribution ring (2), and at least one external body (3), fluidly separated from said central body and substantially concentric with it (*see at least* figures 1 and 2), having at least one second flame distribution ring (5), as well as means (10, 34) for separately feeding the mixture of primary air and gas to said central body and

to said at least one external body (*see* paragraphs 0040-0042); further comprising one or more inlets (21) for the primary air (F) located above the cooking hob (P), and means of fluid connection of said one or more primary air inlets with said means for separately feeding the mixture of primary air and gas to said central body and to said at least one external body (*see* paragraph 0058); wherein said means of fluid connection define a single circuit supplying primary air to said means for separately feeding the mixture of primary air and gas (*see* paragraph 0059); wherein said means for feeding said central body comprise a horizontal mixing chamber with a radial Venturi effect (*see* paragraph 0055); wherein said horizontal mixing chamber with a radial Venturi effect of said means for feeding said at least one external body and/or of said means for feeding the central body are obtained in said at least one external body and/or in said central body (*see* paragraph 0055); wherein said at least one second flame distribution ring comprises two concentric flame distribution rings (4, 5); further comprising a top covering element (36) of said central body, the upper wall of said at least one horizontal mixing chamber with a radial Venturi effect of the means for feeding the central body coinciding with a lower wall of said covering element (*see* paragraph 0055); wherein said means for separately feeding the mixture of primary air and gas to said central body and to said at least one external body are respectively actuated by separate taps (*see* paragraph 0039 and 0041); further comprising a duct (12) which is positioned upstream of the horizontal mixing chamber, which duct does not contribute to the radial Venturi effect.

6. However, Dane does not disclose wherein said means for feeding the at least one external body comprises at least one horizontal mixing chamber with a radial Venturi effect; wherein said means for feeding said at least one external body comprise two or more horizontal mixing

chambers with a radial Venturi effect; further comprising a top covering element of said at least one external body, an upper wall of said at least one horizontal mixing chamber with a radial Venturi effect of the means for feeding said at least one external body coinciding with a lower wall of said covering element; wherein said at least one external body and said central body are made in a single piece.

7. Nonetheless, Paesani teaches a gas burner for a cooking hob wherein a means (26) for feeding at least one external body (4) comprises at least one horizontal mixing chamber (44) with a radial Venturi effect (*see at least* figures 2-3; wherein the radial Venturi effect is created by the physical geometry of said mixing chamber 44); wherein said means for feeding said at least one external body comprise two or more horizontal mixing chambers with a radial Venturi effect (*see at least* figures 1 and 3; wherein said horizontal mixing chambers are formed by the combination of the fuel/air mixture exiting the two vertical mixing tubes 26 and the horizontal mixing chamber 44); further comprising a top covering element (40; *see figures 2 and 3*) of said at least one external body, an upper wall of said at least one horizontal mixing chamber (44) with a radial Venturi effect of the means for feeding said at least one external body coinciding with a lower wall of said covering element.

8. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the external body of Dane wherein said means for feeding the at least one external body comprises at least one horizontal mixing chamber with a radial Venturi effect; wherein said means for feeding said at least one external body comprise two or more horizontal mixing chambers with a radial Venturi effect; further comprising a top covering element of said at least one external body, an upper wall of said at least one horizontal mixing

chamber with a radial Venturi effect of the means for feeding said at least one external body coinciding with a lower wall of said covering element as taught by Paesani, since such a modification would bias the majority of the air/fuel mixture entering said external body towards the outer flame ring in order to better distribute or equalize the heat characteristics of said gas burner; particularly when operating at near full capacity.

9. Regarding wherein said at least one external body and said central body are made in a single piece. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the external and central bodies of Dane wherein said at least one external body and said central body are made in a single piece, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. *Howard v. Detroit Stove Works*, 150 U.S. 164 (1993).

10. In re Claims 14 and 16, Dane discloses a gas burner for cookers comprising a central body (1), having a first flame distribution ring (2), and at least one external body (3), fluidly separated from said central body and substantially concentric with it, having at least one second flame distribution ring (5), as well as at least one horizontal mixing chamber with a radial Venturi effect to separately feed the mixture of primary air and gas to said central body (*see* paragraph 0055); further comprising a duct (34) which is positioned upstream of the horizontal mixing chamber, which duct does not contribute to the radial Venturi effect; further comprising a duct (12) which is positioned upstream of a horizontal mixing chamber (22), which duct does not contribute to a radial Venturi effect.

11. However, Dane does not disclose at least one horizontal mixing chamber with a radial Venturi effect to separately feed the mixture of primary air and gas to said at least one external body.

12. Nonetheless, Paesani teaches a gas burner for a cooking hob with at least one horizontal mixing chamber (44) with a radial Venturi effect (*see at least* figures 2-3) to separately feed the mixture of primary air and gas to at least one external body (4).

13. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the external body of Dane to comprise at least one horizontal mixing chamber with a radial Venturi effect to separately feed the mixture of primary air and gas to said at least one external body as taught by Paesani, since such a modification would bias the majority of the air/fuel mixture entering said external body towards the outer flame ring in order to better distribute or equalize the heat characteristics of said gas burner; particularly when operating at near full capacity.

14. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dane in view Paesani as applied to claim 6 above, and further in view of French Patent FR 2,650,369 to Armanni et al. (hereinafter “Armanni”).

15. In re Claim 7, Dane in view of Paesani discloses all of the claim limitations except for further comprising two or more external circumferential bodies, fluidly separated, each one of which comprises a horizontal mixing chamber with a radial Venturi effect.

16. Nonetheless, Armanni teaches a gas burner for a cooking hob comprising two or more external circumferential bodies (5, 6), fluidly separated.

17. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Dane in view of Paesani to bifurcate said external body into two or more external circumferential bodies, fluidly separated, as taught by Armanni, since such a modification would provide added flexibility in the heat characteristics of said gas burner thus allowing more efficient heating of differing pan sizes than would be possible with a single external burner body and control.

Response to Arguments

18. Applicant's arguments with respect to claims 1-14 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see form PTO-892 (Notice of References Cited) attached to, or included with, this Office Action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JORGE PEREIRO whose telephone number is (571) 270-3932. The examiner can normally be reached on Mon.-Fri. 9:00 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Rinehart can be reached on 571-272-4881. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kenneth B Rinehart/
Supervisory Patent Examiner, Art Unit 3743

Jorge Pereiro
Examiner
Art Unit 3743